

State of Delaware



Department of Natural Resources
and Environmental Control
89 Kings Highway
Dover, DE 19901

Visit our Web Site:
www.dnrec.delaware.gov

Office of the Secretary

Date: Jan 8 2016 Number of pages (including cover sheet) 8

To: Matthew Colip

From: Kara Coast
Nake Ward

Phone: 215-814-5439

Phone: 302-739-9000

Fax: 215-814-5102

Fax #: 302-739-6242

CC:

CC:

☐ Urgent

☒ For Your Review

☐ Reply ASAP

☐ Please Comment

Remarks:

Delaware's Good Nature depends on you!

Coats, Kara S. (DNREC)

From: Bothell, Jennifer M. (DNREC)
Sent: Monday, November 02, 2015 3:15 PM
To: Coats, Kara S. (DNREC)
Subject: FW: Nichols FOIA Request - 10/26/15

Kara, here is Mr. (b) (6) FOIA request; I've pasted in below the email, the attachment, which was a letter detailing his request. Thanks...Jenny.

From: (b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)
Sent: Monday, October 26, 2015 3:50 PM
To: Bothell, Jennifer M. (DNREC)
Subject: FOIA Request.

Dear Ms. Bothell,

The State of Delaware has settled the complaint John A. Nichols and Fuel Cell Energy, Inc. v. Jack Markell, et.al.

Attached is my FOIA Request submitted 10/09/13.

Please provide the information requested.

(b) (6)(b) (6)(b) (6)

Jennifer Bothell
DNREC FOIA Coordinator, OTS
Delaware Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

RE: Freedom of Information Act Request

Dear Ms. Bothell:

Pursuant to the Freedom of Information Act (FOIA), 29 Del. Code § 10001, *et seq.*, I hereby request that the Delaware Natural Resources and Environmental Control (DNREC) and its subdivision, the Division of Energy and Climate, provide me the following records:^[1]

1. All records, other than email, containing the keyword "Bloom" and also containing one or more of the following exact keywords or phrases:
 - "nameplate capacity"
 - "site visit"
 - "inspection"
 - "fuel cell"

"manufacturing facility"

The time period for this request is April 1, 2012, to the present.

2. All emails containing the exact keyword "Bloom" and also containing ~~one or more~~ of the following exact keywords or phrases:

"nameplate capacity"

"site visit"

"inspection"

"fuel cell"

"manufacturing facility"

which were exchanged between DNREC employees, or between any DNREC employee and any person whose email address has any of the following domain names:

bloomenergy.com

pepco.com

pepcoholdings.com

delmarva.com

The time period for this request is April 1, 2012, to the present.

3. All emails containing the exact keyword "Bluewater", which were exchanged between DNREC employees, or between any DNREC employee and any person whose email address has any of the following domain names:

state.de.us

bloomenergy.com

pepco.com

pepcoholdings.com

delmarva.com

nrgenergy.com

bluewaterwind.com

The time period for this request is November 1, 2012, to December 31, 2011.

In an effort to facilitate record production and to minimize duplication fees, I request that any responsive records be produced in electronic format. If responsive records cannot be produced in electronic format, please inform me before any fees are assessed.

If the costs associated with this request are estimated to exceed \$25.00, please inform me before any fees are assessed.

If a set of responsive records can be released before all records are made available, I respectfully request that those records be produced first and that the remaining records be released on a rolling basis as circumstances permit. In the event that exemptions apply to any of the documents, please disclose the segregable, nonexempt portions of these documents.

If you have any questions about this request, please contact me immediately at (b) (6)(b) (6)(b) (6) or by telephone at (b) (6)(b) (6). Thank you for your attention to this matter.

Sincerely,

(b) (6)(b) (6)(b) (6)

^[1] This letter seeks a search of the files only of employees reasonably likely to maintain the requested records.

Coats, Kara S. (DNREC)

From: Bothell, Jennifer M. (DNREC)
Sent: Monday, November 09, 2015 8:27 AM
To: Coats, Kara S. (DNREC); Durstein III, Ralph (DOJ)
Subject: FW: FOIA request - Attorney-Client Privileged

FYI...Jenny.

From: (b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)
Sent: Saturday, November 07, 2015 12:42 PM
To: Bothell, Jennifer M. (DNREC)
Cc: amywroe@gmail.com
Subject: FOIA request

Request Date: Saturday, November 07, 2015

Recipient: jennifer.bothell@state.de.us

Name: (b) (6)
Address1: Delaware Audubon Society
Address2: 56 W. Main Street, Suite 212 B
Address3:
City: Christiana
State: DE
Zip Code: 19702

Phone: (b) (6)(b) (6)
Email: (b) (6)(b) (6)(b) (6)

Request: Correspondence, memos, notes, emails, letters, reports, or other documentation pertaining to Bloom Energy's Red Lion Facility and: (1) Air Pollution Permit, including permit compliance and violations (2) Solid Waste

Cost: 5.00

Coats, Kara S. (DNREC)

From: Bothell, Jennifer M. (DNREC)
Sent: Monday, November 02, 2015 3:07 PM
To: Coats, Kara S. (DNREC)
Subject: FW: Laveen - Bloom Energy FOIA Request and Follow-Up Questions/Discussions

Kara - This is Mr. Laveen's email regarding the FOIA submitted (and denied) in November 2013. I am pasting in the original request directly below, for ease in reading:

-----Original Message-----

From: none@state.de.us [mailto:none@state.de.us]
Sent: Thursday, November 21, 2013 2:12 PM
To: (b) (6)(b) (6)(b) (6)(b) (6); Sargent, Tracy L. (DNREC); Hill, Nicole D (DNREC); Miller, Megan (DNREC)
Subject: A FOIA request from the Web

Date: Nov 21 2013

Name of Requester: (b) (6)(b) (6)
Requester's Company Name: Individual
Requester's Address:

(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)(b) (6)

Phone: (b) (6)(b) (6)(b) (6)
Fax:

Site or Facility Name: Diamond State Red Lion **Name of Facility Owner:** Bloom Energy Diamond State LLC
Specific Street Address:
1593 River Road New Castle DE 19720

E-Mail Address: (b) (6)(b) (6)(b) (6)

Media(s) of Interest:

AQM: ERB: S&HW: X TMB:
SIRB: ES:

I am aware the Bloom Fuel Cells have to eliminate sulfur from the incoming natural gas prior to the gas entering the fuel cell stack. Bloom Patent 7,422,810 and Mr. Beringer's consulting environmental engineer to Diamond State email to DNREC on Jan 13 2012. The sulfur is trapped on a bed (filter) as a solid. Therefore there must be manifests for such sulfur containing solids at the Red Lion Site. The CZA permit application and Mr. Omara's completeness report (Feb 10 2012) omitted these solid wastes. I intend to discover if these waste exist, when they were produced, and or when or were they removed from the subject site.

Also Please provide all data on all solid waste streams created on and or removed from this site

DELAWARE DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL DIVISION OF AIR & WASTE MANAGEMENT FOIA REQUEST PROCESSOR
156 SOUTH STATE STREET, DOVER, DE 19901 (302)739-4791 INTERNET ADDRESS:
www.dnrec.state.de.us

From: Lindsay Leveen [mailto:(b) (6)(b) (6)(b) (6)]

Sent: Wednesday, October 21, 2015, 5:51 PM

To: Bothell, Jennifer M. (DNREC); Montgomery, Jeff; Jackson, Alan (Governor); Barrett Kidner; Clint Laird; John Nichols; Markell, Jack (Governor); jstarkey@delawareonline.com; kimberlynn.reeves@usdoj.gov

Cc: Durstein III, Ralph (DOJ); Lippstone, Andrew H. (Governor); Small, David (DNREC); Crofts, Marjorie A. (DNREC); Mirzakhaili, Ali (DNREC); Marker, Nancy C. (DNREC); JAnthony, Karen (DNREC); Miller III, William D. (DNREC); Mattio, Karen (DNREC); French, Joanna (DNREC); Foster, Paul (DNREC); Minor, Dawn (DNREC); Miller, Megan (DOS); Denn, Matthew (DOJ); Lintner, Matthew (DOJ); Kevin Wade; McDonald, Stephen (DOJ); rjensen@wde.com; Wayne Rutman; Richard Abbott; Peggy Abshagen; Theodore Thomson; Joel B. Pollak; Nguyen, Vicky (NBCUniversal); Wagner, Elizabeth (NBCUniversal); Rabbi Micah; pastor@stjudelewes.org

Subject: Re: Bloom Energy FOIA Request and Follow-Up Questions/Discussions

Dear Ms. Bothell

The case you refer to has been settled. Please expedite the information requested under the FIOA ASAP. It is now two years since I requested the information. We have admission by Bloom that the solid waste with sulfur is haled away in sealed metal canisters to an EPA licensed facility that we know to be in Texas.

There is no longer any excuse to delay the release of documents that will help in the prosecution of Collin O'Mara and others for their crimes against nature and humanity in the protected coastal zone of Deal Away.

Ms. Bothell I am holding you and AG Denn responsible for the prompt release of these documents.

For those who don't know it Markell will now use \$45,000 of public funds to pay off the lawyers for FuelCell energy (another gangrene fake green company). These lawyers have been funded by the Koch Brothers and Jack Markell is now funding them. Jack and his team will also allow Fool Sell energy to compete with Bloomdoggie in Delunaware.

Make one want to laugh if it was not such sick humor.

Ms. Bothell get cracking on the records you have had more than two years to assemble them. Note these records will be shared with DAPE for their investigation of real and pretend PEs in the issuance of the Fake CZA permit to Bloom Energy.

Thanks

Lindsay Leveen The Green Machine

On Tue, Dec 2, 2015 at 10:20 AM, Bothell, Jennifer M. (DNREC) <Jennifer.Bothell@state.de.us> wrote:

Dear Mr. Leveen,

There is currently pending litigation, captioned, *John A. Nichols and Fuel Cell Energy, Inc. v. Jack Markell, et al.*, case number 1:99-mc-09999, filed in the U.S. District Court, for the District of Delaware,

regarding the subject matter of your recent FOIA request and follow-up questions regarding waste disposal at the Bloom Energy site. This information is thus exempt from the Delaware Freedom of Information Act, pursuant to 29 Del. C. §10002 (1)(9).

The FOIA law is no substitute for the discovery process undertaken in the litigation. We have been advised by our lawyers that follow-up questions and discussions with DNREC staff regarding Bloom Energy are inappropriate at this time, as this is an active, pending case.

Thank you. Jenny Bothell

Jennifer M. Bothell

Enforcement Coordinator and FOIA Coordinator

Office of the Secretary, Community Services

Delaware Department of Natural Resources

and Environmental Control

89 Kings Highway

Dover, DE 19901

Phone: (302) 739-9037 or (302) 739-9000

Fax: (302) 739-6242

jennifer.bothell@state.de.us